

# Notice of Allowability

Application No.

10/714,329

Examiner

Michael W. Talbot

Applicant(s)

HERNANDEZ, HECTOR RAY

Art Unit

3722

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 14 April 2006.
2. ☒ The allowed claim(s) is/are 6,7,9-18 and 22-34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 6 and 7 are allowed.

Chen et al. '791 (Patent of Chen et al. '2004/0232631) is the closest art of record.

Claims 6 and 7 are the independent claims.

Regarding claim 6, Chen et al. '791 lacks a cavity at one end of the driver element such that one end of drill element can be inserted into the cavity. There is no suggestion to modify Chen et al. '791 to include the cavity feature in the driver element.

Regarding claim 7, Chen et al. '791 lacks a cavity at one end of the drill element such that one end of driver element can be inserted into the cavity. There is no suggestion to modify Chen et al. '791 to include the cavity feature in the drill element.

2. As previously indicated in Final Office Action dated 11 January 2006, claim 9 is allowed.

Chen et al. '791 (Patent of Chen et al. '2004/0232631) is the closest art of record.

Claim 9 is the independent claim.

Chen et al. '791 lacks a cavity at one end of the drill or driver elements such that the other end of drill or driver element can be inserted into the cavity. There is no suggestion to modify Chen et al. '791 to include the cavity feature.

3. As previously indicated in Non-Final Office Action dated 23 March 2005, claims 10-18 and 22-34 are allowed.

Chen et al. '2004/0232631 is the closest art of record.

Claims 10,11,22 and 30 are the independent claims.

Regarding claim 10, Chen et al. '2004/0232631 lacks a cavity at one end of the drill and driver elements such that the other element can be inserted into the cavity. There is no suggestion to modify Chen et al. '2004/0232631 to include the cavity feature.

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Regarding claim 11, Chen et al. '2004/0232631 lacks a cavity at one end of the driver element such that the drill element can be inserted into the driver cavity. There is no suggestion to modify Chen et al. '2004/0232631 to include the cavity feature.

Regarding claim 22, Chen et al. '2004/0232631 lacks a cavity at one end of the driver element, a groove at the same end intersecting the driver cavity and a longitudinal slot at the tapered end of the plate member. There is no suggestion to modify Chen et al. '2004/0232631 to include these features.

Regarding claim 30, Chen et al. '2004/0232631 lacks a cavity at one end of the driver element and a groove at the same end intersecting the driver cavity. There is no suggestion to modify Chen et al. '2004/0232631 to include these features.

### ***Conclusion***

4. Any inquiry concerning the content of this communication from the examiner should be directed to Michael W. Talbot, whose telephone number is 571-272-4481. The examiner's office hours are typically 8:30am until 5:00pm, Monday through Friday. The examiner's supervisor, Mrs. Monica S. Carter, may be reached at 571-272-4475.

In order to reduce pendency and avoid potential delays, group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at FAX number 571-273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers, which require a fee, by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Michael W. Talbot of Art Unit 3722 at the top of your cover sheet.



MWT  
Examiner  
21 April 2006



MONICA CARTER  
SUPERVISOR EXAMINER